

MEETING OF THE TRANSPORTATION AUTHORITY OF MARIN

THURSDAY, DECEMBER 16TH, 2004

Commissioners Present: Cynthia Murray, Marin County Board of Supervisors
Steve Kinsey, Marin County Board of Supervisors
Susan Adams, Marin County Board of Supervisors
Lew Tremaine, Fairfax Town Council
Dick Swanson, Mill Valley City Council
Barbara Heller, Alternate, San Rafael City Council
Amy Belser, Sausalito City Council
Alice Fredericks, Tiburon Town Council
Melissa Gill, Corte Madera Town Council
Peter Breen, San Anselmo Town Council

Commissioners absent: Hal Brown, Marin County Board of Supervisors
Annette Rose, Marin County Board of Supervisors
Joan Lundstrom, Larkspur City Council
Jerry Butler, Belvedere City Council
Tom Byrnes, Ross Town Council
Pat Eklund, Novato City Council

Staff Members Present: Craig Tackabery, TAM Executive Director
Dean Powell, Principal Transportation Planner, Marin County DPW
Tho Do, Transportation Engineer, Marin County DPW
Art Brook, Senior Transportation Engineer, Marin County DPW
Jack Baker, Senior Transportation Engineer, Marin County DPW
JeriLynne Stewart, Recording Secretary

Chair Steve Kinsey called the Transportation Authority of Marin Meeting to order at 7:38 p.m.

1) Commissioner Matters Not on the Agenda

Commissioner Melissa Gill spoke about a meeting yesterday which she and Chair Kinsey attended between Ross Valley and Larkspur school district representatives who have contracts with Golden Gate Bridge, Highway & Transportation District (GGBH&TD) featuring buses with dedicated routes to schools in their districts.

Two years ago, the school districts were told they would have to review their 'deal' with GGBH&TD. GGBH&TD recently executed an agreement with MCTD. GGBH&TD then sent letters to schools in the two school districts, indicating a fee increase, commensurate with the deal they made with MCTD. For example, Larkspur School District had a contract for their school buses, for \$24,000 a year; now it is \$80,000. Ross School District's contract was equivalent to \$80,000; now it is \$330,000.

The two school districts do not have the monies to pay the above increased fees. They requested assistance from TAM.

Chair Kinsey said that one of the challenges is that when the short-range MCTD plan is developed, part of the responsibility is to ascertain who is already in the 'business'. There are school districts paying money out of their budgets for buses; there are private transportation providers, such as the Corte Madera Village and the local malls. We will want to find the location as to where all of the pools

of money are going into these schools' buses. If we are going to find resources to apply to these issues, there will need to be discussion. At the meeting yesterday, Chair Kinsey said that getting GGBH&TD more engaged in parking policies at high schools which had costs attached, where revenues from parking could help to pay for the bus transit, were discussed. Bus transport, especially in Ross Valley, is a major issue, especially during morning commute.

2) Approval of TAM Minutes of November 18th, 2004

Commissioner Lew Tremaine motioned to approve the minutes; Commissioner Cynthia Murray seconded the motion. Motion passed 10/0/0.

3) Executive Director's Report

Executive Director Craig Tackabery said a page from the Metropolitan Transportation Commission's (MTC's) website was included regarding the Transportation 2030 Plan. Early reviews indicate the document is reader-friendly, and Mr. Tackabery commended Chair Kinsey for its format. If Commissioners have comments on the documents, they are due January 7, 2005.

The California Transportation Commissioner (CTC) on December 9, 2004 approved additional funding for the Gap Closure projects' escalation due to inflation; \$1.9M.

A personnel change has occurred at Caltrans: Yader Bermudez is now the head of Caltrans' maintenance, and will no longer be providing TAM with project updates. Jit Pandher continues to be TAM's Project Manager for Gap Closure.

Karen Nygren, Sierra Club, asked if Caltrans left TAM with status of Tiburon Boulevard off-ramp and requested an update. Mr. Tackabery said there is a staff meeting next week to discuss public presentations with the City of Mill Valley and the Board of Supervisors, which will likely occur in January and/or February, 2005.

Rocky Birdsey, Marin Center for Independent Living, said that during MTC's Transportation 2030 Plan meeting, on page 4 of the document citing investments and pavement management, one item not included is pedestrian improvement, such as curb ramps. He requested TAM urge MTC to take a leadership role in working with Marin's municipalities to include such pedestrian and curb improvements.

4) Commissioner Reports

a. Executive Committee

Chair Kinsey said the Executive Committee (Ex Comm.) met last week, focusing on the 18-month work program, the community-based transportation plan effort, and a portion of MTC's Rideshare program. He said Rideshare is a non-profit organization, which has contracted with MTC to offer public van and car pool information, support programs, etc. MTC is offering the opportunity to local counties to take over the local outreach program, and offers a budget to do so. The Ex Comm. decided that given all of TAM's current responsibilities to get the Authority up and running, we would not go forward with taking on that responsibility. TAM has the opportunity to revisit this offer in 3 years. At that time, TAM could consider combining that program with some of our transportation demand programs and MTC's budget dollars would be helpful.

Commissioner Dick Swanson suggested that when the Ex Comm. meets, that minutes of its discussions be made available to the full TAM Board, especially since the Board is expected to act on certain issues discussed in detail only at the Ex Comm. meetings. Chair Kinsey recognized the need

to provide the information, and yet the challenge in this particular instance was the Ex Comm. meeting was held less than a week ago. Executive Director Tackabery explained that tonight's TAM Board Meeting packets were issued less than one-hour following last week's Ex Comm. meeting. Commissioner Murray explained that providing draft minutes within even a two-week period might prove difficult, yet, what the Ex Comm. could do is provide the full TAM Board with the Ex Comm.'s agenda items, and any recommendations/actions made on those items. She also said that those attending the Ex Comm. meetings were generally always in attendance at regular TAM Board meetings and could provide detailed information on the Ex Comm.'s deliberations.

b. Marin-Sonoma Narrows Policy Advisory Group (PAG) – Commissioner Murray

Commissioner Murray said the Policy Advisory Group (PAG) met yesterday, reviewing a decision matrix on how to select interchanges, which will be used to assist Caltrans in understanding what the different benefits and impacts will be on specific locations. The next PAG meeting will be in March 16, 2005, in Petaluma.

Karen Nygren, Sierra Club, asked if the decision matrix will be available on-line. Ms. Nygren requested that everyone receive a copy to understand decision-making criteria. Mr. Tackabery said he will put the matrix in January, 2005's meeting packet.

David Schoenbrun, TRANSDEF, requested the matrix be agendaized for discussion, saying that it's one of the two most important decisions regarding this project and felt that all agency members and the public should have all of the background information as to how decisions are made.

c. SMART

Commissioner Peter Breen said the SMART Board met yesterday, with several actions being taken, including the extension of a series of work contracts with the assurance of additional money. Discussion was held regarding the results of Measure M, passing with 66.7% approval of Sonoma County voters, which is \$23M to SMART to continue the planning process. They discussed the development of an administrative code; a draft of which will be ready in March, 2005.

In its procurement as a rail authority, SMART took over the some of the assets of the marina at the County line, one of which is the bridge. Barges continue to whack the bridge, most recently, knocking the dolphin into the water, which creates great concern as to how SMART is to pay for the bridge's repair. They also discussed the EIR/EIS, and finally, a plaque and 'hat' presentation and ceremony to out-going Board member, Annette Rose.

5) TAM Next Steps, 18-Month Work Program

Executive Director Tackabery explained the 18-month work program is really a snapshot of the major tasks we are to undertake, especially those related to the sales tax and the CMA functions which could be interrelated and coordinated.

Following are the 16 major tasks/areas of work to accomplish within the next 18-months:

- 1) Consultant selection for all tasks listed; release an RFQ, conduct interviews, assemble a team, produce a workshop in March 2005, and hire consultant.
- 2) Institution creation; organizational needs & staff assessment and the roles of TAM, MCTD, and the Countywide Planning Agency; recruit and hire an Executive Director, via an outside recruitment firm leading the process of hiring; Executive Director - a TAM employee – would be hired by July 2005; develop job

descriptions and staff and begin recruiting, the goal of which is to have in place by July 2006 (County staff remains as support through July 2006); consultant to provide benefits and retirement systems.

3) Management systems; establishment of a financial system; establish a monitoring database which interfaces with MTC's program (TIP), a process which is easy for cities/towns to understand and integrate all funding sources; establish a TAM filing system; office needs assessment and location; performance standards for all claimants, and what kind of reporting we will require and determination of which expenses are and are not eligible; revamp the agreement with MCTD (it was an interim agreement).

4) Strategic plan; leverage strategy, used in Measure A to get as much state and federal money as possible in a 5-year plan, updated every 2 years, coordinated with the Short-Range Transit Plan.

5) Outreach plan; branding for Measure A to be recognizable to the public; develop a communications plan, written materials.

6) Congestion Management Plan, updated every 2 years, and wrap into the Strategic Plan.

7) Budget process.

8) Technical Advisory Committee, mandatory under the sales tax to advise on infrastructure investments; develop procedures; give input on Strategic Plan.

9) Citizens Oversight Committee, not an advisory committee, it reviews TAM's process and expenditures, with a goal to have in place by the end of this fiscal year.

10) Financial Advisor; debt financing, for instance, on finishing the Gap Closure Project.

11) MCTD Short-Range Transit Plan; TAM needs to track its progress as it is integral to TAM's progress on its Strategic Plan, and will help MCTD to decide whether to continue to negotiate its contract with GGBH&TD for service.

12) Community Based Transportation Plan, for the Canal area and Marin City.

13) Regional Measure 2 Greenbrae Corridor Project, integrate plan into Strategic Plan; interviews for Staff Project Manager are mid-January 2005.

14) CMA Funding Programs; STIP, TLC & HIP, TDA, Bicycle, TFCA programs; putting projects in the right categories which make the most sense as part of the Strategic Plan, instead of doing a constant Calls For Projects.

15) Gap Closure, Segment 3 and 4; Segment 3 has aesthetic issues which need to be addressed at the 101/580 flyover in San Rafael and finish the design. It is on schedule to begin in January 2005 ending in 2008. Puerto Suello Hill, a 2-year project also ending in 2008, has more issues to work out with soundwalls and bike facilities, and will begin a year after the Central San Rafael project.

16) Marin-Sonoma Narrows; develop financing plan with our partners, Caltrans and SCTA.

Chair Kinsey said this has been a large task for Executive Director Tackabery to compile and said the Chair and Vice Chair had an opportunity to meet with representatives from other Bay Area sales tax authorities, including Alameda, San Mateo, Napa, and Sonoma County representatives, to help develop the draft presented tonight. Developing procedures, systems, and performance measurements were three critical issues agreed upon by all representatives.

The Ex Comm. recommends to waive the RFP/RFQ process (see item #6c) and authorize the Executive Director to select a consultant for organizational needs assessment as soon as possible. We need to begin to confirm that we are as independent as the draft time-line presents. He also said (see item #6d) we need to authorize the recruitment of a management consultant to work with the Ex

Comm. and move on the hiring of an Executive Director as soon as possible. Chair Kinsey's concern, as presented in tonight's Work Program, is in the *Institution Creation* section, requiring a needs assessment and a White Paper, similar to how other organizations are structured. This process would begin in January and continue for a few months. The recruitment and selection of an Executive Director is intended to also begin in January and end by June 2005. This implies that TAM is advertising for an Executive Director before it actually resolves the issue of the Authority's organizational structure. This is why Chair Kinsey offers concern about recruiting for an Executive Director at the same time the organization is being structured.

The Congestion Management Program (CMP) document, a statutory requirement, needs to be completed by December 2005. We also discussed reforming the CMP to reflect TAM's multi-modal future we envision. Chair Kinsey also expressed concerns as to whether TAM will be in a position to get the CMP organized, effectively, in a timely manner. It is possible that in TAM's Strategic Planning that the new consultant can also offer important facets to the CMP.

Commissioner Tremaine asked Executive Director Tackabery where in the terminology of the above, are we going to be evaluating a bus system and making a decision on that, as it is not evident from the Work Program. Mr. Tackabery said MCTD takes the lead on the Short-Range Transit Plan, and will work with TAM to make sure they are involved in that process. The Strategic Plan is where the funding decisions are made. It will be in the Strategic Plan that MCTD gets TAM's final approval for funding.

Chair Kinsey said there are two large planning processes ahead for the TAM: 1) the Strategic Plan, directly under TAM's authority, which looks at all four primary areas of the sales tax, and 2) the Short-Range Transit Plan, which answers the question, "What is our future with GGBH&TD"? While MCTD has the responsibility to actually answer that question, TAM agreed when it gave MCTD the money, that it would work with the Joint Committee to guide that process, which has a definite time-line.

Regarding the Community-based transportation plan, Commissioner Heller requested an overview. Chair Kinsey explained that in the 2001 Regional Transportation Plan (RTP) that MTC adopted, we committed to a Lifeline Transportation Program for communities of need, or socio-economically disadvantaged communities, which would have extra mobility improvement responsibilities. MTC has set about to develop community-based transportation plans in those communities of need. In Marin, they recommended and funded a plan specifically for the Canal area. The second community of concern in Marin County is Marin City. A program for the Canal will be developed over the course of this year, with the benefit and assistance from a consultant; it is actually funded via a grant given to TAM. Beginning in July 2005, we will start the work in Marin City.

Commissioner Adams wished clarity of the advantages and disadvantages to hiring an Executive Director after the Strategic Planning process was completed. She said some bright person with experience with the Transportation Authority might already have the experience to formulate that, and be with TAM from the ground floor, as TAM develops the process. She said waiting may not be the best way to go. Chair Kinsey said waiting is not what the Ex Comm. recommends. There is, however, something to be said for going too fast; if we could wait just a couple of months and do some of TAM's organizational planning, we will be in a better position for defining a recruitment of what TAM expects of its Executive Director. We may, in an action later this evening, decide to request that an executive recruitment firm assist TAM, work with the Ex Comm. to clarify this issue.

Commissioner Swanson said that in looking at the timeline, the process on paper, it looks daunting, particularly if you're trying to hire, populate, design and build an organization all at the same time. However, he said that 'looks can be deceiving' in that other self-help county transportation authorities, with sales taxes that are a lot larger than Marin's, will look bigger and much more complex than what

we need to support. With a \$15 to \$20M a year sales tax, we do not have the institutional options that larger, more complex authorities have and/or need.

Chair Kinsey exemplified the issue by saying that we have had an inactive Countywide Planning Agency; what do we want this body to be, as it relates to transportation and land use? He said he wants this question answered before we send out recruitment. What will be the responsibilities of this Executive Director as it relates to the MCTD? We have discussed bringing the MCTD into TAM. Let us be sure we are thoughtful.

Commissioner Murray said "full speed ahead" in getting the Executive Director ASAP. We need somebody who has run a ship like this ASAP. The policies and questions above can be something we think about while we are recruiting; it is in our best interest to begin right away.

Commissioner Breen said we are looking at a process evolving, and evolving within a controlled environment and with experience such as what Commission Swanson spoke about, there are people who have done this before. It is important to demonstrate the movement we have committed to the voters when we put this measure on, that we are moving forward. We also need to really focus on the "at will-ness" of the person we hire, because there may be persons extremely good at the first phase of something like this, yet who may not be as strong from an operational stand-point. We may not be looking for the long-term operator/manager. The Ex Comm. committed to putting in extra time over the next few months to achieve this rapidly evolving goal.

Regarding costs for staff, consultants, etc., what portion of our sales tax is allowed to cover this, asked Commissioner Adams. Mr. Tackabery said the Expenditure Plan is clear in that administrative staff is limited to 1% of the sales tax revenue. It estimates that a total administrative expense would be 5%, including rent, etc. We also get some federal money from MTC for our CMA function. Consultants, explained Chair Kinsey, are not identified as administrative staff expenses. Commissioner Adams said she, as well as the Citizens Oversight Committee, will be looking to ensure what is actually included in the 1%, and what percentages of which monies come from other granting sources.

6) Measure A Next Steps

- a. *Authorization to Release RFQ* – Chair Kinsey pointed to the draft included in everyone's packets; the RFQ intends to include a team of consultants to be able to provide for the full range of services. Commissioner Swanson said if we want the consultants to self-select, and submit as a team, then the RFQ should define this. If we are looking for a list of "on-call consultants" then state that.

Commissioner Murray motioned to approve the RFQ with language indicating "TAM has the right to adopt teams or self-select teams; the firms are encouraged to submit individually or as part of a team". Commissioner Murray also pointed out there will be a pre-submittal conference on January 5th where all of these questions can be answered. Commissioner Breen seconded the motion; motion passed 10/0/0.

- b. *Set Date for Special Meeting March 5, 2005 to Conduct Workshop on Work Program.*

Commissioner Tremaine motioned to set the date to conduct a workshop for the Work Program on March 5 2005 from (suggested) 9am to 1pm. Commissioner Heller seconded the motion. Motion passed 10/0/0.

- c. *Consider Recommendation of Ex Comm. to Waive RFQ/RFP Process and Authorize Executive Director to Select Consultant for Organization Needs Assessment* – Mr. Tackabery

has a proposal from a consultant, Carmen Clark, who has done similar work for other authorities. Ms. Clark has also offered to collect and formulate job descriptions for employees. Commissioner Swanson questioned whether Mr. Tackabery would collect qualifications from other firms, or, simply go with Carmen Clark. Chair Kinsey explained the recommendation is to allow the Executive Director to make the decision. If Carmen Clark's proposal is his choice, so be it. If he chooses to solicit from other firms, that is his option, too. Commissioners Swanson wishes for a base of comparison, and suggests Mr. Tackabery solicit RFQ's from other firms. Mr. Tackabery explained that the original schedule had the contract award at the March meeting, using an RFQ process. The Ex Comm. Wished this task to be expedited, and to accomplish this it has been agendaized. Mr. Tackabery explained that at the Ex Comm.'s meeting, he solicited a proposal from the person recommended to him by several other Bay Area Transportation Authorities.

Commissioner Murray motioned to authorize Executive Director to select the consultant for organizational needs assessment. Commissioner Tremaine seconded the motion. David Schoenbrunn suggested TAM clarify in the motion that we are not just selecting a consultant but that we are authorizing signing a contract for services, which should be delineated in detail, since nothing is included here (in the packet) in writing. Chair Kinsey said that for purposes of this motion, we are entrusting Mr. Tackabery with the needs TAM has and to work with a consultant or consultants to put together a Work Program, and then to decide whether it meets TAM's needs, and then to decide whether to contract with them. **Motion passed 10/0/0.**

d. *Consider Recommendation of Ex Comm. to Authorize the Ex Comm. to Select Firm to Manage Recruitment of Executive Director and to Work with Selected Firm to Select Candidate* – The Ex Comm. would act as the hiring committee. The Ex Comm. would conduct the research, the selection, and management of the recruitment of the consultant, and would work with the selected firm to go through the recruitment and screening process, including the opportunity to bring forward a candidate or candidates to the entire TAM Board. Chair Kinsey said he personally believes, due to the timeliness of this item and in light of having to adhere to Brown Act requirements; to agendaize and publicly advertise all of the extra forthcoming Ex Comm. meetings, that an Ad-Hoc Committee is preferred. Commissioner Murray said personnel issues are usually closed-session items. Commissioner Tremaine said there are parts of this process which should be public, especially what we think the qualifications of an executive director should be. Whether it is an Ad-Hoc or the Ex Comm., whichever committee directed will have to bring back to TAM its findings.

Karen Nygren, questioned that since the Executive Director will be in charge of so many facets of the Authority, shouldn't the selection committee include from each of the multi-faceted fields, to expand beyond lay-people. Chair Kinsey said there will be many opportunities to bring other perspectives into the selection of the recruitment process.

Commissioner Tremaine motioned to rest the responsibility on the Ex Comm. to select a firm to manage the recruitment of the Executive Director and to work with said firm to select a candidate, with the understanding that the Ex Comm. reports to the full TAM Board every step of the way, and all Ex Comm. meetings working on this particular process will go publicly noticed. Commissioner Murray seconded the motion. Commissioner Adams asked about the Brown Act, and its relation to what the Ex Comm. does. Chair Kinsey said it was acknowledged at the Ex Comm. meeting that we need to be prepared to meet more frequently than just once a month; therefore, there may very well be single-issue meetings held. It will simply mean scrutiny of Ex Comm. meeting agendas, publishing them, and following procedures of the Brown Act. **Motion passed 9/1/0, with Chair Kinsey in opposition of the motion.**

- e. 101 HOV Gap Closure Update – Mr. Tackabery met twice with Caltrans and developed the attached letter, kicking off the next steps needed; we want to be much more pro-active in our communication with Caltrans. We will work closely with Andy Preston, DPW Director of City of San Rafael on these items.
- f. Short-Range Transit Plan Development by MCTD – Chair Kinsey said the MCTD met this week, and authorized the Transit Manager, Amy Van Doren, to prepare and release an RFQ, which has been approved. The RFQ seeks a consultant or consultants to assist MCTD with the development of a Short-Range Transit Plan, and Statement of Qualifications must be received by January 14, 2005. The MCTD will be the lead agency; yet, a subcommittee of TAM was assigned to work with the MCTD to oversee the Short-Range Transit Plan and manage the process.

Executive Director Tackabery explained the status of the land use updates to the transportation models used throughout the County. A letter goes out to all cities and towns in the County to update their respective data; response to the letter has been lackluster: only 4 out of 11 cities/towns regularly respond. We feel it very important to get the most accurate model possible if we are going to endeavor a large transit planning effort. He encouraged Commissioners to speak to their respective Planning Directors to make sure this item is on their work program to update each year.

The letter provided in the packet tonight is an example of the data that goes into our traffic model. Commissioner Swanson said that what he knows to be submitted as land use information is relatively inaccurate. He said the information submitted from land use information does not translate directly into travel patterns, or movement of goods and services - when people go to work and when they return home – things important to a travel demand model. Of all of the components of a travel demand model, why was this singled-out? Mr. Tackabery explained it is the County Planning Department requesting TAM staff to urge the city/towns' compliance with updates. The County Public Works Department runs the travel model. Mr. Tackabery suggested staff agendize and bring this issue to the January 2005 meeting with explicit details. Commissioner Swanson said there are a number of issues with the travel demand model which render it problematic with respect to supporting the market survey.

Karen Nygren encouraged TAM to bring the traffic model forward (to the public). She said when the City of San Rafael had a traffic model done for the St. Vincent's/Silveria Taskforce; the modeling rendered showed traffic to be better. The model showed the traffic expansion over the region as opposed to one small area. Ms. Nygren said the model will be extremely important, especially to the County of Marin, and the methods by which the model receives data should be done accurately.

7) Regional Bicycle and Pedestrian Projects for FY 2005/06 and FY 2006/07

Chair Kinsey spoke of ranking of the projects, through a scoring method. In the event that any of the projects are recommended for funding through MTC, that amount would be credited against an allocation of money to Marin County. Executive Director Tackabery recommends TAM forward all three projects to MTC. Commissioner Fredericks said according to Tiburon's Public Works Director, projects will be ranked and scored by MTC, yet the attachment in tonight's packets says that the prioritization/votes taken at the meeting will be forwarded anyway. This particular scoring, Ms. Fredericks suggested, maybe should not be included when the projects are forwarded. Mr. Tackabery said this is a brand new process/program for MTC. It is a hybrid, whereby the final decision is made by MTC through a committee which does a ranking and scoring, yet they asked TAM to solicit projects into our own evaluation, not necessarily using MTC's criteria. He recommends we forward all three projects and allow them to be scored.

Commissioner Fredericks, summing Tiburon's Public Works Director's stance on the issue, said MTC's ranking/scoring process was odd in that the Tiburon project in particular was not controversial; it does not need an EIR and it is ready to go. Tiburon's DPW Director felt that had the entire membership body been at the meeting, rather than the vote being taken at 12:30 p.m. when others needed to leave to attend other meetings, the vote may not have turned out as portrayed here.

Commissioner Gill suggested the membership assemble again and vote again. The Corte Madera project received the most votes; must Corte Madera's project be ignored? Chair Kinsey explained that MTC's scoring criteria will be independent of whatever ranking TAM provides. He said there must be a timely requirement to submit the projects which suggest we would not want to send it back for another vote.

Commissioner Gill motioned to submit the attachment as is, with the prioritized ranking and votes. Commissioner Tremaine seconded the motion. Commissioner Fredericks recommended the ranking be shown, yet not the vote-box.

Deb Hubsmith, MCBC, said that these are all good projects and should all be forwarded to MTC. It goes deeper, however, than just the rankings shown. One of the projects was changed slightly, after recommendations by the MCBC, which might have changed how the votes happened at the meeting. She explained that some of the people who were on the committee felt that the County's project for Ranchitos Road would be stronger if it included markings for Class II bikeways. The County later decided to include that. The ranking issue, therefore, is complicated.

Commissioner Adams made a substitute motion to recommend the three ranked projects and to exclude the section of the attachment which shows what the number of votes cast for each project. Commissioner Fredericks seconded the substitute motion. Motion passed 8/2/0.

8) Request for Comments on "Rescue Transportation" Proposal from Contra Costa Transportation Authority, on Behalf of the Self-Help Counties Coalition

Executive Director Tackabery explained the motivations behind the proposal are to completely re-do the way transportation funding is managed in this state. There is a sense that the way it is managed by the Department of Finance (DOF) now that they exert a lot of control as to how funds are allocated.

The example given was the Marin-Sonoma Narrows, which is a fully funded project. Caltrans was given direction to cease hiring consultants even though the money was there to pay for consultants, due to the fact that the DOF had issued the project a consulting budget. A model would be similar to college districts, whereby districts work under a Board of Regents and are much more independent. Mr. Tackabery continued with the fact that the CTC would be able to increase the gas tax to what the appropriate level is, with an override of the legislature. The CTC would select the Caltrans Director, instead of the Governor. They want a firewall of transportation funds, separate from the General Fund. He said the CTC currently tends to act as mediators between regional agencies and Caltrans, in asking them for money; therefore, if the CTC chooses the Caltrans director, how does actual mediation occur?

The intent is to follow the Proposition 1A process, which the League of California Cities and CSAC did, beginning with a citizens' initiative, if the legislature will not take it on. It would be a major effort to raise the money to put it on the ballot.

Commissioner Breen said this is as confusing as Indian gaming propositions. There are so many pieces to this, and therefore to try to explain anything like this to voters is tough; if there is the

slightest question on the part of voters, their response will be negative. He said it is too big to put into one initiative.

David Schoenbrunn, TRANSDEF, said that if TAM recommends this go forward, he explained there is a limitation in Article XIX of the Constitution. It is relabeled subsection II on page 1. He read "Excludes the maintenance and operating costs for mass transit and mass transit passenger systems." This provision, if eliminated, would allow the CTC to decide where it would want to use its gas tax monies; having flexibility to do this is desirable. In addition, Mr. Schoenbrunn read another section, "Growth and travel demand exceeds our ability to sustain reasonable mobility." Vehicle miles traveled has increased tremendously. His organization put together a regional transportation plan alternative for the MTC Regional Transportation Plan, which reduces growth in vehicle miles traveled. The reason, he states, is due to bad land-use policies. Mr. Schoenbrunn said that gas taxes should be based on whatever it costs to maintain our existing system.

Commissioner Swanson said the problems the Self-Help Counties Coalition which to address are shot-full of bureaucratic issues. He felt it would not serve TAM well to not support it; however many reservations we may have; concerns should be registered. As a new member of the Coalition, TAM should support it. He feels this will be vetted, polled, and screened a number of different ways.

Commissioner Breen motioned to direct staff to provide a comment letter providing conceptual support for the proposal with comments recommended by staff and the one from the public. Commissioner Murray seconded the motion. Motion passed 10/0/0.

9) Review of Metropolitan Transportation Commission Draft Legislative Agenda

This item was included for TAM members to see what MTC adopted. It is important to have a reference to what the commission, on behalf of all of the counties, is pursuing. The governmental structuring around project delivery and cost overruns is included. There is a strong effort to support Proposition 42 reform and other items. Chair Kinsey said that where there is synergy possible, that it can at least be coordinated and understood.

Commissioner Heller questioned the term "... obligation authority". Mr. Tackabery explained we receive federal funds in a six-year bill. Chair Kinsey said the obligation authority is the amount of money you can spend or obligate. They only allow 90% of the apportionment in actual dollars. Therefore, you are authorizing 10% more than you actually get, which creates a problem. The intention is to drive states and regions to go out and use the money. In the Bay Area, we hit our limits. Projects ready to go should not be penalized by this provision.

Deb Hubsmith, MCBC, commented on the Proposition 42 funds. She attended a legislative meeting at MTC with the staff about this. Prop 42 funds dedicate the sales tax on gas to transportation projects, unless we are in fiscal emergency, which we have been ever since Prop 42 funds were created! There is an effort to codify that via initiative. The bicycling community believes there is a large flaw created when these funds were developed in that it doesn't state that the local STIP funds and local road funds can be used to also improve the needs of bicyclists and pedestrians. They are straight maintenance funds. This is a policy consistent with what Caltrans does, called Deputy Directive 64. Marin County's Measure A includes language saying that roadwork will consider the needs of bicyclists and pedestrians. Assemblyman Nation introduced a resolution – ACR 211 – which did pass, encouraging towns and cities to include the needs of bicyclists and pedestrians when programming the funds. She is not clear as to whether this will go the legislative route or the initiative route; MTC and other state partners are looking to broaden the groups to help get this passed. MCBC is willing to work for it, yet it needs to include the Deputy Directive 64 in its language. MCBC will send a letter to MTC to this affect, and hopes for TAM's support.

10) Review of TAM Committees List

Karen Nygren suggested including Supervisor-Elect Charles McGlashan, and therefore to revise the list.

11) Professional Service Agreement with Jessica Woods to Provide Meeting Minutes

Commissioner Adams motioned to accept and execute the agreement with Jessica Woods to provide meeting minutes, not to exceed \$5,000. Commissioner Belser seconded the motion. Motion passed 10/0/0.

Executive Director Tackabery explained that this person, or a DPW staff member, will attend all Ex Comm. meetings.

12) Adopt Resolution to Approve Agreements with the California State Board of Equalization and Authorize Executive Director to Execute Said Agreements for the Administration and Operation of the TAM Transactions and Use Tax Ordinance 2004-01

Commissioner Adams motioned to adopt Resolution 2004-08, approving the attached agreements with the State Board of Equalization, authorizing the Executive Director to execute each agreement, and authorizing an expense not to exceed \$175,000 for Board of Equalization preparatory costs. Commissioner Tremaine seconded the motion. Motion passed 10/0/0.

13) Appointment of San Rafael Member of TAM to the Board of Directors of the Sonoma Marin Rail Transit District

Commissioner Heller motioned the appointment of the San Rafael member of TAM to the Board of Directors of SMART. Commissioner Tremaine seconded the motion. Motion passed 10/0/0.

14) Suggestions for Future Agenda Items

Commissioner Murray wished to discuss webcasting TAM's meetings, with all agendas and staff reports being available on-line. It will be another way to communicate with the public.

15) Open Time for Items Not On The Agenda

David Schoenbrunn said that at today's GGBH&TD's Finance Meeting, they discussed a plan for financial sustainability. The Ride & Roll program took a lot of discussion time. He posed a written question, pertaining to GGBH&TD's cost savings if local service in Marin were discontinued. GGBH&TD's implication was that there would be \$4M in savings. He questioned whether there would be labor-savings for the GGBH&TD if local service were discontinued. He expects his answer in writing, and requested that TAM also receive the answer to this question.

Chair Kinsey adjourned the TAM meeting at 9:45 p.m.